

REMARKS

Claims 1-20 remain in the application and stand rejected. Claim 17 has been amended to correct a typographical error.

Reconsideration of the rejection is respectfully requested.

Substance of Examiner Interview

On September 5, 2007, the Examiner and the undersigned had a telephonic conference to discuss claims 1 and 17 in view of U.S. Patent No. 7,028,335 to Borella et al. ("Borella"). The undersigned thanks the Examiner for taking time out of her busy schedule to conduct the interview.

The undersigned explained to the Examiner that Borella pertains to interception of packets in a network address translation (NAT) device. That is, Borella redirects packets in an intermediary computer using a modified NAT table. In contrast, claim 1 relates to redirection by modifying the data unit prior to being sent by the originating device. Claim 17 adds the limitation of performing this modification on DHCP packets prior to initialization of a network enabled application. The Examiner advised the undersigned to put the above arguments in writing for reconsideration. No agreement was reached.

Claim Rejections -- 35 U.S.C. § 102

Claims 1-20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,028,335 to Borella et al. ("Borella"). The rejection is respectfully traversed.

To anticipate a claim, a reference must include all the limitations of the claim. As will be demonstrated below, Borella does not teach or suggest at least one limitation of each rejected claim.

Claim 1 pertains to sending of a data unit from a first computer to a second computer ("the data unit intended for a second computer"). Prior to sending the data unit from the first computer ("modifying a data unit to be sent by a first computer"; i.e., future

tense), the data unit is modified such that it is redirected from the first computer to a third computer. The first computer then sends the data unit to the third computer (“sending the data unit from the first computer to the third computer”), which then forwards the data unit to the second computer (“forwarding the data unit from the third computer to the second computer”).

In marked contrast, Borella does not pertain to modification of a data unit for redirection prior to being sent by the sender. In Borella, redirection of a data unit is done by modifying a network address translation table in another computer (i.e., not the sender). Referring to Borella’s Abstract, therein disclosed are a first network device, a second network device, and a third network device. The second network device stores the external address of the third network device. Any packet sent from the third network device to the first network device is intercepted by the second network device, which uses the address table to determine where to forward the packet. Note that no packet modification is performed by the third network device (sender – “first computer” in claim 1). The third network device does not need to as the redirection is performed at the second network device.

The above difference between Borella and claim 1 reflects their substantially different applications. Borella pertains to network address translation (see Borella, col. 4, lines 23-35) while claim 1 pertains to packet modification at the sender. For example, Borella needs a NAT device and cannot be implemented at the sender. As another example, while Borella discloses how to limit disruption brought about by denial of service (DoS) attacks (Borella, col. 34, lines 1-12), Borella does not teach or suggest virus scanning (claim 7).

For at least the above reasons, it is respectfully submitted that claim 1 is patentable over Borella.

Similar to claim 1, claim 10 recites forwarding a packet from a first computer to a third computer, when the packet’s intended destination is the second computer. Claim 10 further requires using a kernel driver to modify the packet. Among other advantages, this allows the modification to be performed before layer 3 components of the first computer

come up (Specification, page 12, lines 5-8). It is respectfully submitted that Borella does not pertain to using a kernel driver to do packet modification – Borella has no need to as it pertains to network address translation in an intermediary computer, not the sender computer. Therefore, it is respectfully submitted that claim 10 is patentable over Borella.

Similar to claim 1, claim 17 recites forwarding a packet from a first computer to a second computer, when the packet's intended destination is another computer (i.e., not the second computer). Claim 17 further requires the packet to be a DHCP packet and the destination computer to be a DHCP server. Claim 17 also further requires the DHCP packet modification to be performed at the first computer prior to initialization of a network-enabled application. Among other advantages, this allows a computer to communicate with a DHCP server and complete initialization of its level 3 components before the computer is completely initialized (specification, page 13, line 8-13).

It is respectfully submitted that Borella does not pertain to modification of DHCP packets, especially before initialization of a network-enabled application. While Borella discusses use of DHCP (Borella, col. 10, lines 2-14), it is merely in the general sense. Therefore, it is respectfully submitted that claim 17 is patentable over Borella.

The remaining claims are patentable over Borella at least for depending on patentable base claims.

Conclusion

For at least the above reasons, it is believed that claims 1-20 are in condition for allowance. The Examiner is invited to telephone the undersigned at (408)436-2112 for any questions.

If for any reason an insufficient fee has been paid, the Commissioner is hereby authorized to charge the insufficiency to Deposit Account No. 50-2427.

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Respectfully submitted,
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